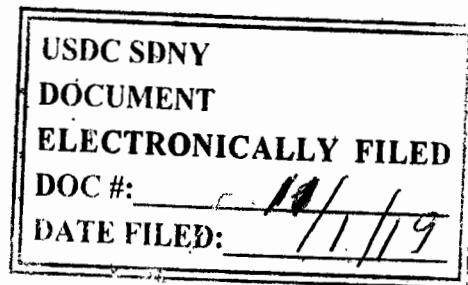




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October 21, 2019

VIA HAND DELIVERY

Honorable Victor Marrero
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007-1312

RE: **United States v. District Council of the
United Brotherhood of Carpenters, 90 Civ. 5722 (VM)**

Dear Judge Marrero:

As the Independent Monitor (“IM”) of the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America (the “District Council”), I write to request the Court’s approval to conduct and oversee a special election for District Council President according to the process and schedule described below. **Counsel for the Government and the District Council have consented to and approved the proposed schedule.**

The prior President, Graham McHugh, resigned from the Union in June 2019 and the position of President is currently vacant. According to the Bylaws of the District Council, the President is an officer of the District Council, sits on the District Council Executive Committee, and receives a stipend of \$300 per month. The President is charged with the following specific duties: “to preside at all meetings of the Council, enforce a due observance of the Constitution and Laws of the United Brotherhood, conduct the same according to parliamentary rules and perform such other duties as designated by the body.” District Council Bylaws at 7. The position has been vacant since Mr. McHugh resigned and the Council meetings have been run effectively by Vice President Michael Cavanagh. But in the interest of providing the members with another elected representative, it is necessary to conduct a special election for District Council President. I seek the consent of the Court to conduct and oversee a special election on an expedited basis and, in the interest of time and economy, to utilize the procedures followed in the 2018 special election to fill the President vacancy, which were approved by the Court on March 29, 2018 (“2018 Special Election Rules”), as a modified version of the rules from the 2018 General District Council election (“2017 General Election Rules”).

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I propose that, on or about November 12, 2019, the District Council mail to members of all local unions affiliated with the District Council and post on the District Council website a letter from me providing notice of a nomination meeting and special election for District Council President. The letter will contain additional information regarding scheduling and dates for important events. The letter will also state that all nominated candidates will be subject to the qualification and approval process stated in the 2018 Special Election Rules.

Consistent with the 2018 Special Election Rules, there will be a period of over six weeks in which a general campaign may be conducted. Campaign literature will be posted on the District Council website and a candidate debate open to all members will be held. In order to minimize costs of the special election, the rules regarding campaign literature mailed at the expense of the District Council and the preparation of the election edition of The Carpenter will not be applied. Candidates will still have the opportunity to prepare campaign literature and mail it at their own expense. Also pursuant to the 2018 Special Election Rules, the nominated candidates will file two financial disclosure forms by the date after the ballots are tabulated.

I request to conduct the special election for President according to the following schedule:

Proposed Schedule for Special Election for District Council President

November 12, 2019	Notice of Special Election Issued. The District Council will mail to members of all local unions affiliated with the District Council and post on the District Council website a letter from the IM providing notice of a nomination meeting and special election for District Council President to be conducted by mail-in ballot, advising that on November 26, 2019, each prospective candidate may begin to gather signatures of members in good standing on the petition form attached as Exhibit A, which is also available on the District Council website, advising that petitions are due on December 10, 2019, and nominations will be held during the January 8, 2020, delegates meeting, advising that a member must be in good standing by January 15, 2020, in order to cast an eligible ballot, and advising members that they may review the rules governing the special election on the District Council website.
November 26, 2019	Petitions Made Available. Petitions are made available to all interested persons; 150 verified signatures must be obtained, using Exhibit A.
December 10, 2019	Petitions Due and Observers Named. By 6:00 p.m. on this date, prospective candidates must submit completed petitions to the IM and must name observers in writing.
December 16, 2019	Eligible Candidate Approval Process. The IM completes petition review and begins candidate interviews as part of the approval process.

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January 8, 2020	Candidate Nominations. The candidate and petition review processes are completed; a portion of the regular delegate meeting open to all members will be dedicated to nominations and acceptances of nominations from the IM-approved list of candidates. Any member in good standing as of January 8, 2020, may nominate a candidate. The order of candidates on the ballot will be determined by a drawing conducted at this nominations meeting. The same order will be followed for posting of any campaign materials on the District Council website. All nominees will then be eligible to speak at local union meetings occurring thereafter through February 19, 2020 (the day all ballots are due in). In the event that there is only one candidate, then any member in attendance (other than the candidate) at the January 8, 2020 delegate meeting, and who is in good standing as of that date, may cast a single ballot for the candidate and he or she will be declared the winner and certified by the IM.
January 15, 2020	Eligibility to Vote. By this date, a member must be in good standing in order to cast an eligible ballot in the District Council special election for District Council President.
January 17, 2020	First Financial Disclosure and Campaign Literature Due. By 6:00 p.m. on this date, nominated candidates must submit: (1) the first of two campaign financial disclosure forms to the IM; and (2) three standard-sized pages (8.5 inch by 11 inch) of campaign literature for posting on the District Council website.
January 29, 2020	Mail-in Ballots Distributed. On this date, the American Arbitration Association, under the auspices of the IM, will begin to mail ballots, instructions, and return envelopes to all eligible members.
January 30, 2020	Candidate Debate. On this date, a debate for candidates open to all members will be held. The debate will be video-recorded by District Council personnel and a video of the event will be posted on the District Council Web site during the course of the next day.
February 19, 2020	Ballot Return Due Date. Only mail-in ballots received by the American Arbitration Association by 5:00 p.m. on this date will be tabulated.
February 20, 2020	Ballot Tabulation. The American Arbitration Association will tabulate the ballots on this date, starting at 9:00 a.m. Candidates and their pre-designated observers will be able to attend and observe the tabulation.
February 20, 2020	Final Financial Disclosure Due. Each nominated candidate must submit the second of two campaign financial disclosure forms to the IM.

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March 9, 2020	Election Certification and Swearing-In. The winning candidate, after certification of the results by the IM, will be installed at the next Executive Committee meeting on March 9, 2020.
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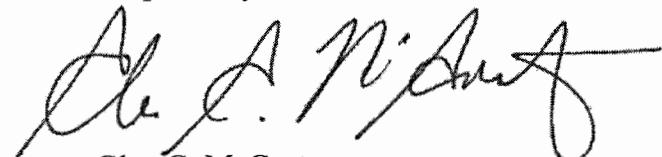
Certain Procedures and Requirements

Any section of the 2018 Special Election Rules and the 2017 Election Rules not inconsistent with what is expressly stated herein will remain in full force and effect. As a reminder, the 2018 Special Election Rules contained the following modifications of the 2017 General Election Rules and were previously approved by the Court:

- 1) Petitions need to contain only 150 valid signatures of members in good standing as of December 10, 2019, the date the petitions are due; the early verification process will not be applied due to the reduction in number of signatures required and the abridged schedule;
- 2) Any and all protests must be filed directly with the IM within five (5) working days of the time when the complainant becomes aware or reasonably should have become aware of the action under protest;
- 3) Challenged ballots will not be counted unless necessary and the challenge in question considered and disposed by the IM;
- 4) An election committee will not be required; and
- 5) Candidates may speak at local union meetings occurring on and between January 8, 2020, and February 19, 2020, and will be presumed to know or be able to learn the dates of such meetings.

Should the Court have any questions, please notify the undersigned at Your Honor's convenience.

Respectfully submitted,


Glen G. McGorty
Independent Monitor

Honorable Victor Marrero
October 19, 2019
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Attachment

cc: **VIA E-MAIL**

AUSA Benjamin Torrance
United States Attorney's Office
Southern District of New York

Joseph Geiger
Executive Secretary-Treasurer, NY District Council

Matthew Walker
Director of Operations, NY District Council

James M. Murphy, Esq.
Spivak Lipton LLP
Counsel for the NY District Council

Barbara S. Jones, Esq.
Bracewell LLP
Counsel for the NY District Council

<p><u>Request GRANTED. The Independent Monitor herein is authorized to conduct and oversee a special election for District Council President in accordance with the process and schedule SO ORDERED. set forth above.</u></p>	
<u>10-31-19</u>	DATE
 VICTOR MARRERO, U.S.D.J.	